



Linda S. Adams
*Secretary for
Environmental
Protection*

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 7954

August 14, 2006

Mr. Jeff Williams, Division Chief
Sutter Community Services Department
1160 Civic Center Blvd.
Yuba City, California 95993

Dear Mr. Williams:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and Department of Toxic Substances Control conducted a program evaluation of Sutter Community Services Department's Certified Unified Program Agency (CUPA) on July 26 and 27, 2006. The evaluation was comprised of an in-office program review and field inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered Final and based on review, I find that Sutter Community Services Department's program performance is unsatisfactory with improvement needed. To complete the evaluation process, please provide quarterly reports to Cal/EPA of your progress toward correcting the identified deficiencies. Submit your quarterly reports to Kareem Taylor by the 15th of the month following each quarter. The first report of progress is due on October 27, 2006.

Cal/EPA also noted during this evaluation that Sutter Community Services Department has worked to bring about a number of local program innovations, including: assistance to new businesses by providing helpful information, forms and a first set of labels; and the various outreach materials CUPA provides to the public such as informational fact sheets and flyers. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Jeff Williams
August 14, 2006
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure
Cc: See next page

Mr. Jeff Williams
August 14, 2006
Page 3

cc: Mr. Sukh Sahota, Supervising Environmental Health Specialist (Sent Via Email)
Sutter Community Services Department
1160 Civic Center Blvd.
Yuba City, California 95993

Mr. Mark Pear (Sent Via Email)
Department of Toxic Substance Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Jack Harrah (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Deficiencies and Corrective Actions

1. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

2. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

3. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

4. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

5. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

6. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

7. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

8. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

9. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

10. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

11. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here



Linda S. Adams
Secretary for
Environmental
Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION **SUMMARY OF FINDINGS**

CUPA: Sutter County Community Services Department

Evaluation Date: July 26 - 27, 2006

EVALUATION TEAM

Cal/EPA: Kareem Taylor

OES: Jack Harrah

DTSC: Mark Pear

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA has not conducted a self-audit of its Unified Program activities for fiscal year (FY) 04/05. The self-audit is an important part of the evaluation process because it highlights areas in the program where the CUPA has shown growth, as well as, areas that require improvement. The self-audit will assist the CUPA in setting tangible goals for UP implementation.</p> <p>Citations: Title 27, Section 15280 (a)(1)</p>	<p>By September 30, 2006, conduct a self-audit for FY 05/06 of Sutter County CUPA that includes all the required elements. Please include the progress and goals of the Sutter County Agricultural Department. Send this self-audit along with the annual summary reports 2 through 4 to Cal/EPA by September 30, 2006.</p>
2	<p>The CUPA is not implementing and updating their Inspection and Enforcement Plan as mandated by law. Example of this include:</p> <p>The CUPA is not meeting inspection frequencies for HMRRP, CalARP, and Hazardous Waste Generators.</p> <p>Citation: Title 27, Section 15200 (f)</p>	<p>By October 27, 2006, please read, update, and follow the CUPA Inspection and Enforcement Plan. Update the plan as needed.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

3	<p>The CUPA has not performed an annual CalARP performance audit.</p> <p>Citation: Title 19, Section 2780.5</p>	<p>By June 30, 2007, and annually thereafter, the CUPA will conduct a CalARP performance audit that addresses all of the elements of Title 19, 2780.5.</p>
4	<p>The CUPA has not met the inspection frequency for the Business Plan Program.</p> <p>Citation: Chapter 6.95, Section 25508 (b)</p>	<p>By July 27, 2007, and annually thereafter, the CUPA will inspect at least one third (33% per year) of the businesses subject to the Business Plan Program.</p>
5	<p>The CUPA has not met the inspection frequency for the CalARP Program.</p> <p>Citation: Chapter 6.95, Section 25537 (a)</p>	<p>By July 27, 2007, and annually thereafter, the CUPA will inspect at least one third (33% per year) of the stationary sources subject to the CalARP Program.</p>
6	<p>The CUPA does not have a CalARP dispute resolution procedure.</p> <p>Citation: Title 19, Section 2780.1</p>	<p>By September 27, 2006, the CUPA will develop a CalARP dispute resolution procedure that addresses all of the elements of Title 19, 2780.1.</p>
7	<p>The CUPA's area plan has not been revised in the past three years.</p> <p>Citation: Chapter 6.95, Section 25503 (d)</p>	<p>By September 27, 2006, the CUPA will develop a timeline for review and revision of the area plan.</p>
8	<p>The CUPA has not ensured that inventories or annual inventory certifications are current. 4 of the 12 business plan files reviewed did not have current inventories or inventory certifications.</p> <p>Citation: Chapter 6.95, Section 25505 (d)</p>	<p>Beginning immediately, the CUPA will ensure that annual submissions include current inventories or certifications. By July 27, 2007, all business plans should be up to date.</p>
9	<p>The CUPA is not obtaining business plans from all businesses subject to the business plan program. Specifically, many agricultural handlers are not being regulated under the business plan program, or are not being exempted from the provisions of the business plan program. At this time, agricultural handlers are not being inspected under the provisions of the business plan program.</p> <p>Citation: Chapter 6.95, Section 25503.5</p>	<p>By September 27, 2006, the CUPA, in consultation with the Sutter County Agricultural Department, will develop a plan to evaluate which agricultural handlers are subject to the business plan program and take steps to either regulate these businesses or properly exempt them from the provisions of the business plan program.</p>
10	<p>The CUPA has just begun to implement the hazardous waste generator program within its</p>	<p>Immediately, the CUPA must begin conducting, documenting, and</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>jurisdiction. When asked, the CUPA was able to provide eight completed hazardous waste generator inspection reports. The CUPA has only recently begun to inspect any of its 475 hazardous waste generators that have been identified by the CUPA.</p> <p>Citation: Title 27, Section 15200 (b)(1)&(2)</p>	<p>completing hazardous waste generator facility inspections, including tiered permitted facilities, at least once every three years. While there is not an established inspection frequency for the Hazardous Waste Generator Program, an inspection frequency of more than three years is considered inconsistent with the goal of coordinating inspections with other elements in the Unified Program, which is once every three years (or 33% per year) or less. Additional resources need to be committed to the hazardous waste generator program element.</p> <p>Also, the CUPA must expand its known universe of hazardous waste generators which so far has been identified to include farms of every size and small businesses that are below the threshold quantities which trigger the submittal of a HMBP, etc.</p>
11	<p>The CUPA did not conduct a complete oversight inspection on 06/08/06. During the inspection, the following was noted:</p> <ol style="list-style-type: none"> 1) Inspector failed to inspect the entire facility grounds including satellite accumulation drums in various bay stations thru out the facility. 2) Inspector misapplied SQG requirements to a LQG facility. 3) Inspector failed to determine whether the owner was required to keep a written tank assessment on file certified by a qualified engineer registered in California as required by Title 22 Section 66265.192. 4) Inspector failed to require the operator to make a hazardous waste determination of a metallic dust as required by Title 22 Section 66262.11. 	<p>By October 27, 2006, address the Class I violation found during the oversight inspection for the CUPA evaluation. Any Class I violation must be addressed through a formal enforcement action according to the State Enforcement Response Policy. For assistance in using DTSC Enforcement Response Policy EO-02-003-PP, please contact your DTSC CUPA liaison. The CUPA shall take formal enforcement requiring the owner to provide a written tank assessment (including secondary containment) by an independent, qualified, engineer registered in California for all tanks located at the facility. All remaining items were corrected on site.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>5) Inspector failed to determine whether the operator was required to keep written training records as required by Title 22 Section 66265.16.</p> <p>Citations: Title 22, Section 66265.192 Title 22 Section 66262.11 Title 22 Section 66265.16</p>	
--	--	--

CUPA Representative _____
(Print Name) (Signature)

Evaluation Team Leader _____
(Print Name) (Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA has routinely threatened to issue a \$70 dollar re-inspection fee to facilities with non-minor violations and has gained compliance; however, if facilities continue to operate out of compliance, the CUPA does not enforce these punitive penalties.

Recommendation: CUPA staff should access administrative enforcement order (AEO) training through the CUPA Conference and the CUPA Conference training CDs. The initiation of the AEO process in the CUPA program may be a more efficient and effective way of achieving formal enforcement. Legal counsel should be consulted when issuing an AEO.

2. **Observation:** The CUPA only has one staff person to implement the entire program. Even though this staff person is working diligently to improve Sutter County CUPA from its current state, the CUPA program is suffering because workload is too great for one person.

Recommendation: The CUPA is currently trying to hire another staff person to help complete CUPA related duties and improve inspection frequencies. Cal/EPA's recommendation is to hiring one or two more staff personnel so that the enormous inspection and administrative workload can be completed in a timely manner.

3. **Observation:** In the inspection reports reviewed for Sutter County CUPA and Sutter County Agricultural Department, signed consent to inspect by a facility owner/operator was not present. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility.

Recommendation: On the inspection report templates, add an area where a facility owner/operator can grant consent by signing his/her signature on the report.

4. **Observation:** In the most recent inspection reports observed, the CUPA has collected return to compliance (RTC) certificate from facilities found to have minor violations. The RTC was within the 30 day timeframe mandated by law.

Recommendation: Good job. Keep up the good work.

5. **Observation:** While the CUPA has not yet brought all agricultural handlers into the Unified Program, the process is ongoing. The CUPA has a good working relationship with the Sutter County Agricultural Department who is due to begin inspecting farms this month.

Recommendation: Keep up the good work. You are making progress on a difficult and contentious issue.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

- 6. Observation:** While the CUPA is not yet fully implementing the CalARP Program, it has identified most of its stationary sources, and has received and reviewed for completeness the risk management plans (RMP) from all the stationary sources identified. The CUPA has not completed the public review portions of the RMP review process (Title 19 2745.2), nor has the CUPA begun to inspect its stationary sources.

Recommendation: This is excellent progress. Keep it up.

- 7. Observation:** The County's draft Emergency Operations Plan (EOP) would serve as an area plan if all of the elements of Title 19, Sections 2720-2728 were addressed.

Recommendation: The CUPA might consider trying to incorporate the hazmat specific elements of Title 19, such as pre-incident site surveys, personnel and equipment monitoring and decontamination, et al. into the County Emergency Operations Plan. To serve as an area plan, the EOP would need a reporting form, such as the model form shown in Title 19, Section 2720, which shows where all the Title 19 requirements are addressed.

- 8. Observation:** The CUPA indicated that it will seek funding under the Hazardous Materials Emergency Preparedness (HMEP) grant program for the purpose of funding the review and revision of the area plan. These funds, while limited, may also be used for exercises, table-tops, commodity flow studies, and other preparedness activities.

Recommendation: Contact the OES grant manager at (916) 845-8778 for details.

- 9. Observation:** If the CUPA does not finalize its area plan before the pesticide drift regulations mandated by SB 391 are finalized, the area plan will be subject to these revised regulations.

Recommendation: None offered.

- 10. Observation:** The CUPA has not accessed the Hazardous Waste Tracking System of DTSC, which would have enabled the CUPA to determine the present number of facilities within its jurisdiction and to review facility manifests before conducting a hazardous waste generator inspection.

Recommendation: Please reinstate your password and begin accessing DTSC's Hazardous Waste Tracking System for future generator inspections to determine waste profiles and generation status from previous manifests sent. In addition, please review the print out provided to Sutter County Community Services Department listing active facilities within its jurisdiction that have applied for permanent EPA ID numbers and please compare it to your own database.

- 11. Observation:** The CUPA was able to track hazardous waste complaints.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

Recommendation: It is suggested that the CUPA set up a computer complaint tracking system data base. Ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to [slaney@dtsc.ca.gov], complaint coordinator. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that all investigations be documented, either by inspection report or by “note to file” and placed in the facility file. Please notify the complaint coordinator of the disposition of all complaints

12. Observation: During the oversight evaluation, the inspector did not have a camera in his possession to document violations found.

Recommendation: If at all possible, please obtain a camera for the inspector’s personal use. Photographs provide an excellent means to document conditions out at a site.

13. Observation: The inspection reports reviewed lacked any detailed narrative for the facilities inspected.

Recommendation: Develop the narrative portion of the inspection report so that a reviewer of the report may gain an insight into the type of historical operation occurring out at the site including the inspector’s current observations of the site. Please see inspection report writing guidance for unified program agencies.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Sutter County Community Services Department has a number of different outreach materials available to the public. These include informational fact sheets on:

- a. managing hazardous waste for dental, medical, and veterinary offices
- b. managing empty containers
- c. hazardous waste accumulation time for generators
- d. used oil and oil filter management
- e. hazardous waste generator requirements
- f. consolidated manifesting

Other informational materials include the following flyers:

- a. Hey Slick!: Don't be crude, recycle your used oil and oil filters
- b. Household Hazardous Waste: Non-toxic Alternatives
- c. Conditionally Exempt Small Quantity Generators
- d. Danger Zone: Identifying common household hazardous waste in your home and garage.
- e. Agricultural used oil recycling: On-site collection program
- f. Yuba-Sutter battery recycling
- g. Used oil certified collection centers
- h. California surveillance and facts about West Nile virus
- i. Family emergency preparedness (in Spanish)

2. The CUPA is requesting e-mail addresses in the "locally collected information" box of the Owner/Operator Identification form (OES 2730). This will allow the CUPA to quickly contact the facility, or quickly broadcast information to all of the facilities.
3. The CUPA's assistance for new businesses starting up is outstanding. This service includes providing information, forms and the first set of labels for the business.
4. The Sutter County Community Services Department has investigated and is overseeing the clean up of an apartment unit located at 1250 Kenny Drive in Yuba City, CA contaminated by the illegal manufacturing of methamphetamine.
5. The Sutter County Community Services Department has established a permanent household hazardous waste collection center which shall greatly aid in diverting household hazardous waste from CESQG and personnel residences from the municipal landfills.